

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOEL F. HOLUBAR
and
MARIANA H. HOLUBAR,

Plaintiffs

v.

KENT KHOLBERGER,
CHASE-FREEDMAN FAMILY TRUST
and
M/Y CHEROSA, *in rem*,

Defendants

Civil Action No. 03-CV-12404-NG

**MEMORANDUM IN SUPPORT OF SECOND MOTION OF DEFENDANT
CHASE-FREEDMAN FAMILY TRUST FOR PROTECTIVE ORDER**

In support of the Second Motion of Defendant Chase-Freedman Family Trust (the "Trust") for Protective Order, the Trust relies on Fed. R. Civ. P. 26(c).

Pursuant to Local Rule 37.1, the Trust states that its counsel conferred with plaintiffs' counsel concerning this discovery dispute, as set forth in more detail in paragraph 15 of the motion and the certificate of conference submitted with the motion.

The nature of the lawsuit is plaintiffs' claim for damages allegedly caused by defendants' larger boat allegedly going too fast in the Cape Cod Canal and allegedly causing a large wake to impact plaintiffs' smaller boat. Defendants deny plaintiffs' claims.

The facts relevant to the Trust's second motion for protective order are set forth in the motion. See L.R. 37.1(3).

A copy of the notices of deposition at issue, and other documents, are attached to the motion as Exhibits 1-4. See L.R. 37.1(4).

The Trust's position as to each contested issue is set forth in its motion. See L. R. 37.1(5).

Conclusion

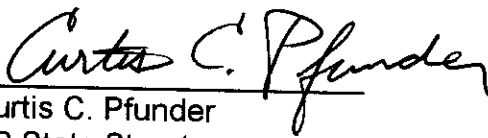
The Trust's motion for protective order under Rule 26(c) should be granted.

Plaintiffs should not be permitted to take the proposed second and third depositions of the Trust (via testimony of Ian Morris and David Chase) as proposed in plaintiffs' August 26, 2004 notices of those depositions.

Respectfully submitted,
The Chase-Freedman Family Trust,
by its attorneys,

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Date: September 3, 2004


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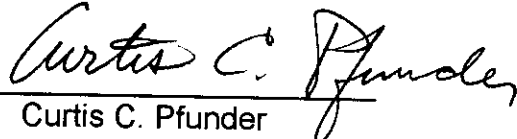
Certificate of Service

I certify that on this 3 day of September, 2004 I served a copy of the above document on counsel for plaintiffs as indicated below by U.S. mail / _____:

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